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Attorney for Justin Jose Garcia

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-06-00329-JSW
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	TO CONTINUE SENTENCING HEARING
Vs.)	TO FEBRUARY 22, 2007
)	
JUSTIN JOSE GARCIA, et al.)	
)	Honorable Jeffrey S. White
Defendants.)	
)	
)	
)	

Defendant, Justin Jose Garcia, by and through his attorney, Steven F. Gruel, respectfully requests that the sentencing hearing scheduled for December 7, 2006 at 2:30 p.m. be rescheduled to February 22, 2007, at 2:30 p.m.

This defense request is because of a breakdown in the attorney – client communication regarding the scheduling of Mr. Garcia’s interview with the United States Probation Office.

Specifically, after numerous telephone messages and letters requesting that Mr. Garcia contact his counsel for this interview, undersigned defense counsel did not hear from him until after a letter was sent to Mr. Garcia explaining that defense counsel would be forced to withdraw

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1 from the case if communication were not restored. Communication has been restored and the
2 interview is scheduled for December 4, 2006 at U.S. Probation Office in San Francisco.

3 It should be noted that at no time was Mr. Garcia in violation of his conditions of pretrial
4 release or his reporting requirements. It appears that Mr. Garcia did not fully understand the
5 need for the interview and falsely assumed that on December 7, 2006, he would go straight to
6 sentencing without any interview.

7 Finally, it is respectfully requested that this stipulation be granted in lieu of a Court
8 appearance on December 7, 2006, because Mr. Garcia resides in Rio Dell, California, which is
9 several hundred miles from the federal Courthouse, he lives with his mother and they have only
10 one car for the family.

11 The United States Probation officer and the Assistant United States Attorney have been
12 contacted regarding this defense request for a continuance and do not oppose it.

13 SO STIPULATED:

14 DATED: 12/1/06

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16 /s/
STEVEN F. GRUEL,
17 Attorney for Justin Jose Garcia

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20 DATED: 11/28/06 /s/
TRACIE L. BROWN
21 Assistant United States Attorney

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~~PROPOSED~~ ORDER CONTINUING MATTER

PREDICATED on the above stipulation and GOOD CAUSE APPEARING,
the Court continues this matter to February 22, 2007 at 2:30 p.m. for sentencing.

IT IS SO ORDERED.
December 4, 2006


JEFFREY S. WHITE
U.S. District Court Judge

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